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Court Rules in Favor of Deerfield Township Zoning Commission

Deerfield Township Board of Trustees v. Kings Toyota et al

The case arose when Kings Toyota, Inc. purchased the old Kroger building located at 4700 Fields Ertel Road and remodeled the existing structure into an “indoor showroom” for new Toyota automobile models. Because Kings Toyota, Inc. was changing the use of the property from a grocery store to automotive sales, and due to the extensive modifications and new construction being proposed, Kings Toyota, Inc. was required to undergo a site plan review process under the Zoning Resolution. Kings Toyota, Inc. submitted a site plan review application, which was to be reviewed for approval by the Deerfield Township Zoning Commission. The Zoning Commission approved the site plan at a public meeting, subject to fifteen developmental conditions. One of the conditions of the approved site plan, Condition No. 9, restricted the number of outside storage, sale, or display of vehicles to 38 spaces.

The imposition of Condition No. 9 was based not only on King Toyota, Inc.’s assurances that the new car showroom would not turn into a conventional outdoor car dealership, but more importantly, it addressed the Township’s general concerns about the long-term impact that a typical automobile sales facility and outdoor storage of automobile inventory would have on the Fields Ertel corridor. Kings Toyota, Inc. made several subsequent requests for reconsideration of its conditionally approved site plan, but each time the Zoning Commission denied its request and made no changes to the previous fifteen conditions. Kings Toyota, Inc. never administratively appealed the Zoning Commission’s initial decision or the subsequent denial of requests for reconsideration. Instead, immediately after opening, Kings Toyota, Inc. began storing over 100 cars in the parking lot in direct violation of Condition No. 9.

Deerfield Township filed a Complaint to preliminarily and permanently enjoin Kings Toyota, Inc. from continuing to violate the Zoning Resolution as a result of its continuous violation of Condition No. 9. Kings Toyota, Inc. filed a declaratory judgment Counterclaim in which it challenged the validity and constitutionality of Condition No. 9.

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